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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/935,118

08/22/2001

Mehmet Karaul

3376/46

8350

29858

7590

10/27/2005

BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP
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NEW YORK, NY 10022

EXAMINER

PHUNKULH, BOB A

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

OK

Office Action Summary	Application No.	Applicant(s)	
	09/935,118	KARAU ET AL.	
	Examiner	Art Unit	
	Bob A. Phunkulh	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to applicant's 08/22/2005 amendment(s)/response(s) in the application of **KARAUL et al.** for "**INTERNET PROTOCOL BASED WIRELESS CALL PROCESSING**" filed 08/22/2001. The amendments/response to the claims have been entered. Claims 1-33 have been canceled. Claims 34-51 have been added. Claims 34-51 are now pending.

Claim Objections

Claims 41, 49 is objected to because of the following informalities: in line please delete one of the claimed subject matter "a data signal transport gateway." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 34-51 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 34, The claimed subject matters "obtaining the location of said gateway controller" in line 12, "providing the location of said gateway controller" in line 14 are new subject matter and not supported by the original specification.

Regarding claim 35, The claimed subject matters "obtaining the location of said gateway controller" in line 12, "providing the location of said gateway controller" in line 15 are new subject matter and not supported by the original specification.

Regarding claim 36, The claimed subject matters "obtaining the location of said gateway controller" in line 18, "providing the location of said gateway controller" in lines 20-21 are new subject matter and not supported by the original specification.

Regarding claim 44, The claimed subject matters "obtaining the location of said gateway controller" in line 18, "providing the location of said gateway controller" in line 21 are new subject matter and not supported by the original specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 34-36, 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Gentry et al. (US 6,888,803), hereinafter Gentry.

Regarding claims 34-36, 44, Gentry discloses a telecommunication system that allows communication between a circuit-based wireless telephony network and a packet-based Internet telephony network, the system comprising:

a circuit-based wireless telephony network providing wireless access to the system (the combination of BSC 210, a plurality of BTS, see figure 2);

a packet-based Internet telephony network providing Internet telephony access to the system (packet data or IP network 100, see figure 2); and

a base station gateway controller for providing an interface between the wireless telephony network and the Internet telephony network (BGW gateway 200, see figure 2).

Regarding claims 37, 45, Gentry discloses the circuit-based wireless telephony network is a Global System for Mobile Communications network (see col. 6 lines 1-20).

Regarding claims 39, 47, Gentry discloses a packet-based mobile switching center communicatively connected with the base station gateway controller (MSC gateway 400, see figure 2).

Regarding claims 40, 48, Gentry discloses the base station gateway controller provides a data signal transport gateway between circuit-based data and packet-based data (as shown in figure 2, the BSC gateway 200 is a data signal transport gateway

between the IP network 100 and mobile network, see figure 2).

Regarding claims 41, 49, Gentry discloses a packet-based mobile switching center communicatively connected with the base station gateway controller (MSC gateway 400, see figure 2);

and one or more circuit-based base station controllers communicatively connected to the base station gateway controller, wherein the base station gateway controller is utilized as a media gateway for communications between the mobile switching center and the one or more base station controllers (the BSC gateway 200 connected to the BSC 210, see figure 2).

Regarding claims 42, 50, Gentry discloses the system does not require utilization of the Public Switched Telephone Network (see figure 2).

Regarding claim 43, 51, Gentry discloses the Internet Protocol network is a H.323 network (see col. 6 lines 1-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gentry in view of Toskala et al. (US 6,650,905), hereinafter Toskala.

Regarding claims 38, 46 Gentry fails to explicitly disclose that the circuit-based wireless telephony network is UMTS network.

Toskala, on the other hand, discloses the Universal Mobile Telecommunications System (UMTS) is to be the third generation mobile system, which is to offer higher data rates and a wide range of telecommunications services, including support for multimedia. UMTS will provide high-quality services with efficient use of network resources. UMTS is to be based on the Global System for Mobile communications (GSM) with some major modifications, e.g., a new radio interface. The UMTS network is to support both circuit-switched and packet-switched services. The circuit-switched technology will be based on the current GSM circuit-switched technology and the packet-switched technology on the General Packet Radio Service (GPRS), which is a new packet service for GSM (see col. 1 line 15-27).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made replace the GSM network with UMTS network for UMTS offer higher data rates and a wide range of telecommunications services, including support for multimedia and provide high-quality services with efficient use of network resources.

Response to Arguments

Applicant's arguments with respect to claims 34-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this action should be mailed to:

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

The following address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, Hand Delivery, etc.) as follow:

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220 20th Street South
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chau Nguyen**, can be reach on **(571) 272-3126**. The fax phone number for this group is **(571) 273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bob A. Phunkulh
Primary Examiner
TC 2600
Art Unit 2661
October 19, 2005

BOB PHUNKULH
PRIMARY EXAMINER